

DRAFT DIRECTIVE TRANSMITTAL

WORKFORCE INVESTMENT ACT

Number: WIADD-38

Date: July 22, 2002

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: REVISED WIA 121 RAPID RESPONSE ASSISTANCE FORM

☒ **IMMEDIATE ACTION**

Bring this draft to the attention of the appropriate staff.

☒ **E-MAIL COPY TRANSMITTED**

Number of pages (including coversheet): 7

If there are any problems with this transmittal, please call Sandy Iwatsuru at 916/653-7065.

SUBJECT MATTER HIGHLIGHTS:

Please review and comment on the attached draft directive.

Currently, Worker Adjustment and Retraining Notification (WARN) Act on-site rapid response activities are tracked and tabulated by the Workforce Investment Division (WID), but rapid response activities conducted by Local Workforce Investment Areas (LWIAs) are not recorded in a central database.

In order to capture all rapid response activity performed by LWIAs, the Rapid Response Assistance On-Site Visit Report Form (WIA 121) is being revised to include reporting of non-WARN rapid response events. Type of Industry is also changed to conform to the North American Industry Classification System (NAICS) descriptions of affected industries. The revised form will also allow for cumulative totals of on-site visits both WARN and non-WARN.

COMMENTS ARE DUE BY:

7/30/02

Comments can be submitted through one of the following ways:

- 1) **Web site** — www.edd.ca.gov/emptran.htm
- 2) **Fax** — WID, Attention: **Diane Bonar** at 916/654-9586
- 3) **E-Mail** — dbonar@edd.ca.gov (Include "draft comments" in the subject line)
- 4) **Mail** — WID / P.O. Box 826880 / MIC 69 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. However, we will not be able to individually respond to comments. **Comments received after the specified due date will not be considered.**

If you have any questions, contact your WID regional advisor at (916) 653-6347.

DRAFT DIRECTIVE

WORKFORCE INVESTMENT ACT

Number:

Date:

69:97:vf:5868

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: REVISED WIA 121 RAPID RESPONSE ASSISTANCE FORM

EXECUTIVE SUMMARY:

Purpose:

This directive issues a revised Rapid Response Assistance On-Site Visit Report Workforce Investment Act (WIA) 121. In order to gain a more accurate picture of Local Workforce Investment Area (LWIA) rapid response activities, the Rapid Response Assistance On-Site Visit Report is being modified to report more pertinent information on Worker Adjustment and Retraining Notification Act (WARN) visits and to assist LWIAs with collecting data on non-WARN rapid response activities. Once completed, these reports will be faxed to the Workforce Investment Division (WID). The revised WIA 121 form and instructions are attached.

Scope:

The Rapid Response Assistance On-Site Visit Report gathers data on rapid response activities. Currently, the reports are sent to LWIAs when a WARN notice is sent to the State by businesses experiencing a closure or layoff. The completed reports are received from the LWIAs and entered into a database. **Beginning immediately, LWIAs will record non-WARN rapid response activities on the revised WIA 121, which will then be faxed to WID. The WID will enter these reports into an expanded WARN database that will track all rapid response on-site visits.**

Effective Date:

This directive becomes effective July 1, 2002.

REFERENCES:

- Workforce Investment Act Sections 101(38) and 134(a)(2)(A).
- Federal Register, Volume 65, Number 156. Part 665.Subpart C, 665.300

STATE-IMPOSED REQUIREMENTS:

This directive contains only State-imposed requirements.

FILING INSTRUCTIONS:

Retain this directive until further notice.

BACKGROUND:

The WIA 121 form on-site visit report is generated by a WARN notice from an employer. This has been the method for collecting information on rapid response activities. The WIA rapid response activities are broader than on-site visits to companies or organizations that have filed a WARN notice with the State. Other rapid response activities such as on-site visits to employers who have not filed a WARN notice, job fairs and multiple visits to WARN employers are not currently compiled into a central database.

The revised WIA 121 form will now capture all rapid response on-site activities into a central database which will include WARN and non-WARN on-site visits. This will provide more comprehensive information of the scope and volume of rapid response activities in California.

POLICY AND PROCEDURES:

On-site visit reporting policy will be expanded as follows:

1. Each WARN Rapid Response Assistance On-Site Visit Report (WIA 121) should be faxed to WID, Performance Management Unit (PMU); this will allow WID to record multiple visits to employers.
2. The LWIA on-site visits to non-WARN employers or other off-site activities (*off-site does not include One-Stops, Employment Development Department (EDD) offices, Adult Education sites or Community Colleges*) should also be reported on the WIA 121 form and faxed to WID PMU at (916) 654-9586.
3. Reports can be faxed on a weekly basis or on a flow basis as they occur. However, all on-site visit reports should be faxed *no later* than the fifth of the month following the LWIAs receipt of the WARN notice or the Lawyer's initial rapid response contact.

ACTION:

The WIA 121 form (Revision 7/2002) replaces WIA 121 form (Revision 5/1999) and should be used for all on-site visits on or after July 1, 2002. The WIA 121 form and line-by-line instructions are attached and should be forwarded with this directive to LWIA rapid response coordinators. The number to fax the rapid response WIA 121 form is (916) 654-9586.

INQUIRIES:

Please direct inquiries about this directive to your assigned [Regional Advisor](#) at (916) 654-6347 or Diane Bonar, Performance Management Unit, at (916) 654-8305.

/S/ BILL BURKE
Chief
Workforce Investment Division

Attachment

Rapid Response Assistance On-Site Visit Report (WIA 121)

The following are line item instructions for the Rapid Response Assistance On-Site Visit report. These instructions are intended to assist you with completion of this form.

WARN Notice	<p>Mark the appropriate box to indicate whether a Worker Adjustment and Retraining Notification (WARN) notice was filed for this visit:</p> <p>Yes - This report is generated by Workforce Investment Division (WID) and has a checkmark inserted by the WARN database.</p> <p>No - This report is generated by the Local Workforce Investment Area (LWIA) and is checked manually by the LWIA.</p>
WARN Number	This number is generated by the WID. Leave this line blank for automatic generation by WID after the completed form is returned to WID.
Date of Notice	For a WARN notice, this will be the date on the WARN letter from the company. If the LWIA is initiating the rapid response, leave blank.
Date of Visit	Record the date of the visit to the company (MM/DD/YYYY). If this report is the result of an additional site visit, enter that date, not the date of the initial on-site visit.
Date Received	<p>This is the date that a WARN notice is received from the company through WID. This number is generated by the WID if there is a WARN notice.</p> <p>If this is blank, record the date (MM/DD/YYYY) the on-site visit is initiated by the LWIA.</p>
Reporting LWIA	If this is a WARN notice sent from WID, the name of the local area will be filled in. If not, record the name of the local area (or Workforce Investment Board) that provided the on-site rapid response to the company undergoing a layoff, closure or that is receiving any other rapid response activity.
LWIA Contact	Enter the name of the LWIA rapid response person submitting the WIA 121, Rapid Response Assistance On-Site Visit report.
LWIA Phone	Enter the telephone number of the LWIA contact.

Company Name	For a WARN notice, the company name will appear here. If this is blank, the LWIA will enter the name of the company receiving rapid response services here.
Address	For a WARN notice, the corporate address of the company will appear here. If this is blank, the LWIA will enter the corporate address of the company.
City, State, Zip Code	For a WARN notice, the city, state and zip code of the corporate address will appear here. If this is blank, enter the city, state and zip code of the corporate address here.
Facility Affected (including City, State and Zip Code)	For a WARN notice, the street address of where the layoff or closure will occur appears here. If this is blank, the LWIA will enter the street address where the layoff or closure will occur.
WARN Notice Visit	Check the appropriate box. Yes - for a WARN notice visit No - if there is no WARN notice visit Assistance Declined - if the company declines an on-site visit or rapid response information. If there is no WARN notice, leave this blank.

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<p>Closure/Layoff</p>	<p>For a WARN notice, one box will be checked. If the LWIA is initiating the on-site visit, check whether the action is a closure or a layoff.</p> <p>A plant closing is the permanent or temporary shutdown of a "single site of employment," or one or more "facilities or operating units" within a single site of employment, if the shutdown results in an employment loss during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees.</p> <p>A layoff is a reduction in force which first, is not the result of a plant closing, and second, results in an employment loss at the single site of employment during any 30-day period for:</p> <ul style="list-style-type: none"> (i) At least 33 percent of the active employees, excluding part-time employees, and, (ii) At least 50 employees, excluding part-time employees. <p>(See www.dol.gov/dol/allcfr/ETA/Title_20/Part_639/toc.htm for a complete copy of the WARN regulations.)</p>
<p>Contact Person</p>	<p>Enter the name of the on-site person who is the company contact for rapid response.</p>
<p>Phone Number</p>	<p>Enter the company contact person's phone number.</p>
<p>Reason for Visit</p>	<p>Check appropriate box.</p> <p>For Mass Layoff or Closure, see Closure or Layoff definition above.</p> <p>A Layoff Aversion is when the delivery of the range of rapid response services results in aversion of the layoff.</p> <p>Business Services are those services that are not specifically rapid response services, but that relate to providing assistance to the company for its business practices.</p> <p>Other means any other services provided.</p>
<p>Employees Affected</p>	<p>For a WARN notice, this will be filled in. If the LWIA is initiating the on-site visit, the LWIA will enter the number of employees affected by the layoff or closure.</p>
<p>Date Closure/Layoff</p>	<p>For a WARN notice this date will be filled in. If the LWIA is initiating the on-site visit, enter the date of the closure/layoff.</p>
<p>Date of Initial Rapid Response Activity</p>	<p>Enter the date of the first company contact for rapid response. The first contact may be made by telephone.</p>

Number of People Attending Orientation	Enter the number of people attending orientation, rapid response workshop.
Is the need for assistance due to economic conditions?	Check the appropriate answer. Yes - The closure or layoff is occurring as a result of economic conditions. No - The closure or layoff is the result of other conditions.
Out-of-State Competition	Check the appropriate answer. Yes - The closure or layoff is due to out-of-state competition No
Is the Company moving out of State/Country?	If Yes, record the city/state/country the company is moving to.
Will there be other Company locations impacted in the State of California?	Check Yes or No. If Yes, other locations; list other California cities where layoffs or closures are occurring.
Visit Number	If there have been multiple visits to this site, enter the number of the visit to this site (example: 1, 2, 5, etc.).
Has this company filed multiple WARN notices in the past 12 months?	Check the appropriate answer. Yes - The company has filed other WARN notices in the past 12 months. No - This is the first WARN notice in a 12 month period.
Union	Check the appropriate answer. Yes - The employees are represented by a union. No - The employees are not represented by a union.
Trade Adjustment Assistance/North American Free Trade Agreement (TAA/NAFTA)	Check the appropriate answer. Yes - Layoff or closure is covered under TAA or NAFTA. No - Not covered under TAA/NAFTA.
Who attended meetings with the company?	Check all those that apply: Company, LWIA, EDD, Union, CBO (Community-based organization), or Other. If Other is marked, enter the name of the other organization attending the meeting.

Type of Industry	Check the type of industry that applies to this company. The North American Industry Classification System (NAICS) industry abbreviations are listed on the form. Only enter one type of industry. If the NAICS is not listed, enter it on line U.
Briefly describe the rapid response services that you have provided on this visit to the company	This section provides WID a narrative from the LWIA to answer any questions about the extent of rapid response services provided. For example, if the LWIA only made telephone contact and mailed packets to the human resources person, state it here. Or, if there were extensive services provided, describe them. Also if there was a labor-management committee formed, state it here.
Status of Assistance	If the rapid response on-site visit was funded through allocated funds, check that box. If there is or will be an application to the Workforce Development Branch for additional 25% funds from the State, check that box. If the TAA petition was filed, check that box.

[Rapid Response Assistance On-Site Visit Report WIA 121 form](#)